



Jordan's Compliance with the International Covenant on Civil and Political Rights: The Death Penalty

Submitted by The Advocates for Human Rights

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Adaleh Center for Human Rights Studies

and

The World Coalition Against the Death Penalty

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than twenty-five reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The Adaleh Center for Human Rights Studies is a non-governmental, non-profit organization founded on September 2003 and based in Amman, Jordan. Its mission is to enforce human rights values in Jordan and the Arab world, through building the capacity of non-governmental organizations and practitioners working in the field of human rights, democracy and justice. The center operates in accordance with all universal human rights declarations, principles, and charters issued by the United Nations. Its vision: to create a mindful society that enjoys basic human rights

and freedoms, free from discrimination and violations against human rights, and where values of dignity, freedom, equality, tolerance, and respect are widely spread. Its objectives are: To elevate the respect towards freedom and human rights; To enhance democracy principles and the rule of law; To activate the role of the judiciary and to ensure its independence; To enhance the knowledge of the law and to ensure its independence; To spread awareness on human rights; and To invigorate the human rights situation and to document human rights violations.

EXECUTIVE SUMMARY

1. This report addresses Jordan’s compliance with its international human rights obligations with regards to the death penalty. Jordanian courts continue to sentence people to death, including for crimes that do not rise to the level of “most serious,” and Jordan continues to carry out executions.
2. Women in conflict with the law are at risk of experiencing discrimination within the criminal legal system, placing them at risk of being sentenced to death.
3. In practice, the criminal legal system does not guarantee access to qualified counsel for people suspected of committing capital crimes, and courts do not limit the death penalty to the “most serious” crimes.
4. Authorities, including law enforcement personnel, continue to engage in torture, and courts admit evidence obtained through torture or other ill-treatment.
5. Detention conditions do not comply with international standards.

Jordan does not fully comply with its obligations under the International Covenant on Civil and Political Rights (ICCPR)

I. Jordan fails to limit capital punishment solely to the most serious crimes.

6. In its 2017 Concluding Observations, the Committee recommended Jordan take all measures necessary to ensure the death penalty is limited to only the most serious crimes involving intentional killing.¹
7. Jordan has not implemented this recommendation. Article 17(a) of the Jordanian Penal Code authorizes the death penalty for offenses such as “threatening national security, deliberate murder, or acts with a high likelihood of causing death.”² In addition, the Penal Code authorizes the death penalty for crimes of treason, crimes against Jordan’s constitution, sedition, and rape of a minor girl under 15 years of age.³
8. Courts sentence offenders to death for crimes that fall short of the “most serious crimes” threshold. In 2021, a court sentenced six men to death for abducting and assaulting a teenage boy, even though the attackers neither killed nor intended to kill the boy.⁴ Also in 2021, a court sentenced an individual to death for their involvement in a terrorist knife attack against four foreign tourists, all of whom survived the attack.⁵

¹ Human Rights Committee, *Concluding Observations on Jordan’s Fifth Reporting Period*, UN Doc. CCPR/C/JOR/CO/5 (4 December 2017), ¶ 15.

² Sadam Abu Azam & Mohammad Airout, *The Death Penalty in Jordan: A critical Examination of its Application and Abolition Debate*, Pakistan Journal of Criminology (Sept. 2024), at 4, available at <https://www.pjcriminology.com/wp-content/uploads/2024/05/65-The-Death-Penalty-in-Jordan.pdf> (last visited Nov. 28, 2024).

³ Jordan Penal Code of 1960, amend 2022, art. 17.

⁴ *Jordan sentences six men to death for blinding teen, chopping his arms off*, Alarabiya News, Mar. 17, 2021, available at <https://english.alarabiya.net/News/middle-east/2021/03/17/Jordan-sentences-six-men-to-death-for-blinding-teen-chopping-his-arms-off-> (last visited Dec. 1, 2024).

⁵ *Jordanian sentenced to death for 2019 knife attack on tourists*, Aljazeera (Jan. 12, 2021), <https://www.aljazeera.com/news/2021/1/12/jordanian-sentenced-to-death-for-2019-knife-attack-on-tourists>.

9. Amnesty International reports that as of the end of 2023, at least 222 people were under sentence of death in Jordan,⁶ and approximately twenty-one of the people under sentence of death are women.⁷ In 2023, courts sentenced at least three people to death.⁸
10. Authorities often refrain from carrying out executions. In 2022, parliamentary rapporteur Ghazi Al-Thneibat asserted that Jordan, like many other countries, “tend[s] to halt at the execution stage” and “freeze the implementation of the death penalty.”⁹
11. Suggested questions relating to current laws regarding the death penalty:
 - Please provide comprehensive data on all death sentences and executions during the reporting period, disaggregated by sex/gender, nationality, ethnic group, disability, crime of conviction, relationship to any codefendant or victim, date of arrest, date of sentencing, date of execution (if applicable), and current status. This information will facilitate demographic analysis of the application of the death penalty in Jordan, including a gender-based analysis.
 - Since Jordan’s laws authorize the death penalty for numerous non-lethal crimes, how does Jordan ensure that courts sentence to death only individuals convicted of committing the “most serious crimes”?

II. Jordan fails to prevent discrimination against women accused of capital crimes and fails to protect their fair trial rights.

12. In its 2017 Concluding Observations, the Committee recommended that Jordan “take steps to ensure that women are not subjected to any form of discrimination, in law and in fact.”¹⁰
13. At least 21 women, however, are currently on death row, often as a result of judicial processes rooted in intersectional and gender-based discrimination.¹¹
14. For crimes punishable by death, Jordan requires that a defense attorney be present at trial. Article 208 of the Jordanian Code of Criminal Procedure mandates legal representation for people charged with capital crimes. If a defendant wants to terminate the attorney-client relationship but cannot afford to hire a new lawyer, the court will appoint a replacement lawyer.¹² In practice, however, people charged with capital crimes do not always receive representation by qualified lawyers who take on an active role in the defense, and defendants do not always understand their rights. These shortcomings undermine the fairness and integrity of the justice system, particularly in capital cases.

⁶ Amnesty International, *Death Sentences and Executions 2023* (2024), at 29, available at <https://www.amnesty.org/en/documents/act50/7952/2024/en/>.

⁷ *Pressure to enforce death penalty mounts in Jordan after brutal murders*, Arab News, July 4, 2022, available at <https://www.arabnews.com/node/2116496/middle-east> (last visited Nov. 28, 2024).

⁸ Amnesty International, *Death Sentences and Executions 2023* (2024), at 29, available at <https://www.amnesty.org/en/documents/act50/7952/2024/en/>.

⁹ *Jordan has 239 people on death row*, Middle East Monitor, June 27, 2022, available at <https://www.middleeastmonitor.com/20220627-jordan-has-239-people-on-death-row/> (last visited Dec. 1, 2024).

¹⁰ Human Rights Committee, *Concluding Observations on Jordan’s Fifth Reporting Period*, UN Doc. CCPR/C/JOR/CO/5 (4 December 2017), ¶ 9.

¹¹ *Pressure to enforce death penalty mounts in Jordan after brutal murders*, Arab News, July 4, 2022, available at <https://www.arabnews.com/node/2116496/middle-east> (last visited Nov. 28, 2024).

¹² Jordan Criminal Procedures of Law (1961).

15. The right to counsel is especially important for women because the vast majority of women under sentence of death in Jordan could not pay for qualified counsel, are illiterate, and were denied their right to a fair trial.¹³
16. Despite some provisions requiring counsel at trial in capital cases, courts routinely try people in absentia and defendants still have trouble accessing legal counsel. Defendants, particularly women in rural areas, face delays in accessing legal counsel.¹⁴ The Crime Prevention Law of 1954 gives provincial governors the discretion to order that an individual be administratively detained without formal charges in order to safeguard public security and order. In practice, however, governors exercise this discretion broadly and there are no safeguards to constrain the use of such administrative detentions.¹⁵
17. In addition, many women under sentence of death in Jordan have been convicted of murdering a family member. Under the Jordanian Penal Code, a person who commits the crime of murder can receive a reduced sentence if the offender was “defending the family honor,” a mitigating factor that may be relevant in certain cases involving a murdered family member.¹⁶ Specifically, Article 340 of the Jordanian Penal Code permits a court to reduce a person’s penalty if the person killed or assaulted a spouse or female relative found committing adultery. Article 98 allows a court to reduce a person’s penalty if the person commits the crime in a “fit of fury” resulting from the victim’s unlawful and dangerous act. In 2001, authorities amended the language to make it gender neutral, but in practice, courts’ application of these provisions predominantly favors male defendants.¹⁷
18. Suggested questions relating to due process and fair trial rights in capital cases:
 - How many women are currently on death row for the crime of murder and in how many of those cases was the victim a family member? In how many of those cases did the woman commit the offense in the context of gender-based violence?
 - Under the Jordanian Penal Code, a person convicted of murder can receive a reduced sentence if the person was “defending the family honor.” Please provide comprehensive data over the reporting period of the number of individuals who have received a reduced sentence for “defending the family honor,” disaggregated by sex or gender and relationship between the offender and the victim.

¹³ Written Communications from the World Coalition Against the Death Penalty to The Advocates for Human Rights (July 14, 2023).

¹⁴ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.> (last accessed 19 September 2024).

¹⁵ See U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.> (last accessed 19 September 2024).

¹⁶ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

¹⁷ Written Communications from the World Coalition Against the Death Penalty to The Advocates for Human Rights (July 14, 2023).

- What programs are in place to ensure people charged with capital crimes in rural areas have access to qualified defense counsel?
- What training do defense attorneys representing women in capital cases receive regarding gender-specific defenses and mitigation?
- Of the individuals tried for capital crimes over the reporting period, what percentage were represented at trial by legal counsel? Of those, what proportion received legal counsel at the expense of the State Party? What procedures are in place to ensure that all persons charged with capital crimes are aware of their right to counsel?
- What efforts are in place to ensure that people charged with capital crimes have access to qualified defense counsel prior to trial, including during the investigation phase?

III. Jordan fails to protect women from gender-based violence and courts disregard the context of domestic violence and coercive control that may place women into conflict with the law, exacerbating the effects of societal discrimination and placing women at risk of being sentenced to death.

19. In its 2017 Concluding Observations, the Committee recommended that Jordan strengthen its legal framework for the protection of women against domestic violence, including by “removing the grounds for mitigating circumstances for honour crimes,” and “[d]evelop and implement more effective training programmes for law enforcement officers, judges, prosecutors and lawyers.”¹⁸
20. In its follow-up report, Jordan asserted that “article 99 was amended to establish harsher penalties by providing that, if the court takes mitigating circumstances into account, for offences that are punishable by death . . . it may reduce the criminal penalty by no more than one third.”¹⁹ The follow-up report also described the country’s “Amna shelter” (*amneh* means “safe” in Arabic), which is available for victims of domestic violence and which aims to “enabl[e] the girls and women to reunite with their families.”²⁰ The report also stated that “[m]any judges” have participated in courses on gender-based violence, “the challenges of women’s access to justice,” and “domestic violence issues.”²¹
21. As mentioned in paragraph 9 above, at the end of 2023, approximately 21 women were under sentence of death.²² Recent years’ statistics appear to be roughly consistent with prior years, in that there is no upward or downward trend.

¹⁸ Human Rights Committee, *Concluding Observations on Jordan’s Fifth Reporting Period*, UN Doc. CCPR/C/JOR/CO/5 (4 December 2017), ¶ 11(a), (c).

¹⁹ Human Rights Committee, *Information received from Jordan on follow-up to the concluding observations on its fifth periodic report*, UN Doc. CCPR/C/JOR/FCO/5, ¶ 11(a) (11 Feb. 2021).

²⁰ Human Rights Committee, *Information received from Jordan on follow-up to the concluding observations on its fifth periodic report*, UN Doc. CCPR/C/JOR/FCO/5, ¶ 11(b) (11 Feb. 2021).

²¹ Human Rights Committee, *Information received from Jordan on follow-up to the concluding observations on its fifth periodic report*, UN Doc. CCPR/C/JOR/FCO/5, ¶ 11(c) (11 Feb. 2021).

²² Amnesty International, *Death Sentences and Executions 2023* (2024), at 29, available at <https://www.amnesty.org/en/documents/act50/7952/2024/en/>; *Pressure to enforce death penalty mounts in Jordan after brutal murders*, Arab News, July 4, 2022, available at <https://www.arabnews.com/node/2116496/middle-east> (last visited Sept. 22, 2024).

22. Most women on death row are victims of domestic violence, specifically, violence toward the woman by a male member of her household (either a brother, a father, or husband). Most of these women are under sentence of death for murder, and the circumstances surrounding their crimes often entail self-defense. According to a 2018 report by the Cornell Center on the Death Penalty Worldwide, in all but two cases sampled at the time of the report, the women had been sentenced to death for killing a close family member, and a significant proportion of those killings were in the context of a history of long-term abuse.²³
23. The general public attitude toward women killing their husbands is distinct from that of men killing their wives. The opinion of the general public is that a husband would be justified in killing his wife if he finds, for instance, if she has committed adultery. The public perception, which finds favor among supporters of the death penalty and even among certain scholars, is that men have a “right” to commit femicide in such contexts.
24. Jordanian law does not recognize any mitigating circumstances for women who commit murder.²⁴ The only potential reduction in sentence from which a woman may benefit (which would reduce the penalty from death to 15 years’ imprisonment, depending on the underlying crime), is if the victim’s family pardons her, pursuant to Article 99 of the Penal Code. In practice, however, family members rarely use this option to pardon a woman. When Jordan resumed executions in 2014, 44 men who had been sentenced to death received commutations due to their own family members’ concerted efforts and fundraising to encourage the victim’s family to offer a pardon, while “not a single woman benefitted from a family-backed pardon” during the same period.²⁵
25. The majority of the public in Jordan favors capital punishment, especially for crimes like murder or rape. In some cases of particularly brutal crimes, such as a brutal killing of a university student, some members of the public have called for public executions.
26. Judges may feel pressure to align themselves with public opinion, and their decisions often depend on how the lawyers present the case. In high-profile case like those involving national security, judges may face indirect pressure to align their judgments with political priorities, limiting their exercise of discretion. In standard criminal cases like murder trials, judges generally have broader latitude to base their rulings on the evidence presented and their interpretation of the law. Nonetheless, public opinion and the quality of lawyering can have a significant influence on decisions. In national security cases, judges have little leeway and must rule in line with the political will.
27. In Jordan, women are always bound to a male authority. Over the course of their life, women move from the guardianship of their father to their eventual husband.

²³ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁴ See also Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 22, 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

²⁵ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 28, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

28. Tribal and patriarchal traditions deeply influence Jordanian society, constraining women's autonomy. In such settings, family honor is often tied to women's behavior, and as a result male family members wield significant control over women's choices. Communities reinforce these norms, using religion as a pretext for controlling women's behavior. People with influence and authority may ignore Islam's promotion of gender equity in many arenas, instead selectively relying on interpretations of Islam that purport to justify men's authority over women. Local authorities may place women at risk of becoming victims of honor crimes into "protective custody," which can amount to imprisonment without due process.
29. Particularly in socioeconomically disadvantaged communities, society members reject any woman who does not stay under her family umbrella or a paternal authority. Society expects women to live in a house with some kind of male authority; for young girls, it is their father, and for married women, it is their husband. If a woman's husband dies, she is expected to return to her father's house; cultural norms prohibit her from living alone (either as a widow or a divorcée).
30. Society marks these women who live outside of male authority as lacking morals or ethics, and as a result, Jordanians tend to ostracize these women. Women in disadvantaged socioeconomic circumstances have very few options: they do not have independent social lives; they cannot leave the house alone; they are oftentimes not very educated; they are married off at a very young age; they have no freedom to move around freely; and they do not have anyone to support them, even within their family of origin, because even the woman's mother is under the authority of the woman's father. As a result, women experiencing prolonged abuse who have nowhere else to go may feel they have no choice but to kill their husband.
31. Women in such circumstances face profound mental health challenges, placing them at an even greater disadvantage. While some Jordanian non-governmental organizations work to provide women in these circumstances with social services, the number of women who are facing abuse and who cannot access proper support is gravely high.
32. Jordan's capital, Amman, has changed tremendously over the years. Nowadays, women in the capital face fewer cultural barriers and social constraints, and the lifestyle in Amman is moving toward Western trends.
33. In some areas in western Amman, it is not uncommon to see widows and divorcées living away from their families. One may find an unmarried woman working and living together with her unmarried sister, without a male guardian. In some areas in western Amman, it has become more common to see women who are more educated, working (and therefore financially independent), and enjoying increased freedom and choice, including access to resources.
34. Suggested questions regarding women and the death penalty:
 - Under what circumstances can and do sentencing authorities consider evidence in mitigation when deciding whether to sentence a woman to death? Are courts allowed to consider any gender-specific mitigation, such as trauma, gender-based violence, coercive control, and dependency? Are any gender-specific defenses or mitigation codified?

- Under what circumstances may a woman who has experienced prolonged domestic violence successfully plead self-defense for killing her abuser? Which legal standards apply in such cases?
- What training to judges, prosecutors, and defense counsel receive regarding gender sensitivity as it intersects with criminal procedure and sentencing outcomes?
- How do authorities ensure that all women accused of capital crimes have access to free and effective legal representation by attorneys who specialize in capital cases, that such women have access to counsel at all times, from the start of the investigation through any appeals, and that the defense team has sufficient funding to conduct a thorough investigation and to secure relevant expert witnesses, particularly regarding gender-specific defenses?
- What is the legal system doing to better inform women and their families of the option to pardon and to facilitate outreach to the families of victims of woman offenders?
- What is Jordan doing to address domestic violence so that women can be safe and receive the support and services they need and so that perpetrators are held accountable?

IV. The criminal legal system lacks due process and fair trial safeguards for people who are at risk of the death penalty.

35. In its 2017 Concluding Observations, the Committee recommended that Jordan “[e]nsure that detainees are placed under civilian authority and are afforded all fundamental legal safeguards,” and “[e]nsure that suspects are tried by ordinary civil courts with full respect of due process requirements.”²⁶
36. According to the U.S. State Department, individuals are routinely tried in *absentia*, defendants—especially women in rural areas—face delays in accessing legal counsel, and authorities detain individuals for several days up to one year without a prosecutor’s authorization or and without coming before a judge.²⁷ Amnesty International reports that in the wake of recent pro-Palestinian activism and protests, Jordanian authorities have held people “for at least a month without access to their family or lawyer before being either released without charge or referred to the State Security Court.”²⁸ Moreover, Jordan’s State Security Court, a military court, “is primarily responsible for issuing death sentences,”²⁹ even

²⁶ Human Rights Committee, *Concluding Observations on Jordan’s Fifth Reporting Period*, UN Doc. CCPR/C/JOR/CO/5 (4 December 2017), ¶ 13(b),(c).

²⁷ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) < <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.>> (last accessed 19 September 2024).

²⁸ *Jordan: End draconian crackdown against pro-Palestinian activism*, Amnesty International, Feb. 6, 2024, available at <https://www.amnesty.org/en/latest/news/2024/02/jordan-end-draconian-crackdown-against-pro-palestinian-activism/> (last visited Sept. 22, 2024).

²⁹ Sadam Abu Azam & Mohammad Airout, *The Death Penalty in Jordan: A critical Examination of its Application and Abolition Debate*, *Pakistan Journal of Criminology* (Sept. 2024), at 4, available at <https://www.pjcriminology.com/wp-content/uploads/2024/05/65-The-Death-Penalty-in-Jordan.pdf> (last visited Sept. 22, 2024).

for civilians.³⁰ According to Human Rights Watch, the State Security Court “does not meet international standards of independence and impartiality.”³¹ One Human Rights Watch expert who has attended numerous State Security Court trials since 2013 reports that the court’s trials “are often unfair,” and that the court’s interpretation of terrorism is often “so vague that [it] can be applied to nearly any political speech or behavior that the authorities dislike, and often [is].”³²

V. Jordan fails to ensure the prohibition against torture is absolute.

37. In its 2017 Concluding Observations, the Committee recommended Jordan review its criminal legislation to ensure the definition of torture aligned with the Covenant and international standards. The Committee further recommended Jordan develop an independent mechanism to review reports of torture and incorporate sanctions into its criminal code as a means to deter the use of torture.³³
38. Jordan has stated that Article 208 of the Jordanian Criminal Code covers the offence of torture, defined as practices or actions that may be carried out by law enforcement officials for the purpose of obtaining a confession.³⁴ Violations include abuse, threats, vilification, defamation, and contempt—all of which are punishable under Jordanian law.³⁵
39. While Article 208 criminalizes acts of torture committed for the purpose of obtaining a confession—and some other acts of torture committed for the purpose of punishing or intimidating the victim—this definition is not fully aligned with the Covenant and international standards as it does not explicitly include acts of torture committed for any reason based on discrimination.³⁶
40. Article 208 also states that any acts of torture resulting in death, murder, or attempted murder of any form are considered serious offenses under Jordanian criminal law.³⁷ In 2018, Jordan amended Article 208 of its Criminal Code to raise the minimum penalty of the crime of torture from 3 months to 1 year, and to state that “if the torture leads to illness or severe injury the penalty shall be a fixed term of hard labor.”³⁸ Jordan asserts that law enforcement

³⁰ Hashemite Kingdom of Jordan, *Government: The Judicial Branch*, <http://www.kinghussein.gov.jo/government4.html>, last visited Sept. 22, 2024.

³¹ *Jordan: Government Crushes Civil Space*, Human Rights Watch, Sept. 18, 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space> (last visited Sept. 22, 2024).

³² Adam Coogler, *Jordan’s Sham ‘Sedition’ Trial Was Another Blow to the Rule of Law*, Human Rights Watch, Aug. 30, 2021, at <https://www.hrw.org/news/2021/08/30/jordans-sham-sedition-trial-was-another-blow-rule-law> (last visited Sept. 22, 2024).

³³ Human Rights Committee, *Concluding Observations on Jordan’s Fifth Reporting Period*, UN Doc. CCPR/C/JOR/CO/5 (4 December 2017), ¶ 13.

³⁴ Report of the Working Group on the Universal Periodic Review, Jordan, Addendum, (Mar. 11, 2019), UN Doc. A/HRC/40/10/Add.1.

³⁵ Report of the Working Group on the Universal Periodic Review, Jordan, Addendum, (Mar. 11, 2019), UN Doc. A/HRC/40/10/Add.1.

³⁶ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Art. 1.

³⁷ Report of the Working Group on the Universal Periodic Review, Jordan, Addendum, (Mar. 11, 2019), UN Doc. A/HRC/40/10/Add.1.

³⁸ Report of the Working Group on the Universal Periodic Review, Jordan, Addendum, (Mar. 11, 2019), UN Doc. A/HRC/40/10/Add.1.

officials accused of committing offenses, including acts of torture or ill-treatment, are not granted immunity from criminal prosecution.³⁹

41. Notably, not all acts of torture are defined as serious crimes, and only acts of torture resulting in death, murder, or attempted murder are considered serious offences. This framework creates gaps for other acts of torture to not incur sufficient penalties.
42. In 2024, Jordan reported to the Committee Against Torture that all law enforcement agencies are increasing efforts to raise awareness on torture prevention.⁴⁰ Jordan also maintains that its courts do not accept coerced confessions, evidence, or statements. Several rulings from the Court of Cassation have consistently held that coerced evidence or statements are inadmissible.⁴¹
43. The U.S. State Department, however, reports that Jordanian courts generally accept coerced statements and confessions as evidence.⁴² Amnesty International has reported confessions are obtained through torture or other forms of duress.⁴³
44. In a 2022 “Torture Index” assessment, the Adaleh Center asked legal experts “well-versed in the Jordanian legislation pertaining to anti-torture, in addition to being well-versed with actual practices taking place given their practical experience in security centers, locations of detention, and reform and rehabilitation centers, in addition to dealing with such cases directly,” to score Jordan’s compliance with eight main indicators and 53 sub-variables related to protection against torture. Responses from these experts demonstrated that Jordan offered “poor” protection against torture, demonstrating “a gap in Jordanian legislation concerned with safeguarding the right to physical integrity, which was certainly reflected in the practices of law enforcement personnel, especially in regard to the guarantees of detention, investigation into crimes of torture, and the persecution of perpetrators.”
45. Even though authorities have implemented some steps to prohibit, prevent, and prosecute torture, torture has remained widespread. Since 2017, there have been multiple reports of torture and deaths occurring in custody. The Adaleh Centre for Human Rights Studies has documented numerous instances where people died in custody. Reports include substantial evidence indicating severe beatings and traditional forms of torture. In several cases, the effects of the torture were so severe that family members failed to recognize their deceased relatives during the identification process.

³⁹ Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019* (21 December 2021) CAT/C/JOR/4*, ¶ 9.

⁴⁰ Report of the Working Group on the Universal Periodic Review, Jordan, Addendum, (11 March 2019), UN Doc. A/HRC/40/10/Add.1.

⁴¹ Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019* (21 December 2021) CAT/C/JOR/4*, ¶ 137

⁴² U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023), available at: < <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September.>> (last accessed 26 November 2024).

⁴³ Jordan Hangs 15 for Rape and Terrorism in Mass Dawn Execution." *Middle East Eye*, 4 March 2017, available at: < www.middleeasteye.net/news/jordan-hangs-15-rape-and-terrorism-mass-dawn-execution> (last accessed 26 November 2024).

46. In one case, A.H., detained on drug-related charges, informed his sister that he was subjected to continuous beatings and abuse following his arrest. He died from his injuries shortly thereafter.⁴⁴
47. Likewise, another individual, Z.D., died while detained in September 2022. His family members received a call informing them of his death, and they subsequently observed that his “situation was abnormal” and requested a second autopsy. A five-member committee of forensic doctors subsequently carried out the second autopsy, and the family then agreed to receive and bury his body. In a report to the Committee Against Torture, the Adaleh Center listed this case as one “backed by many proofs and serious indicators . . . call[ing] for the belief that torture took place.”⁴⁵
48. Suggested questions regarding the use of torture to coerce confessions and control or punish people in detention:
- What steps has the State Party taken to review its criminal legislation to ensure that the definition of torture is fully in line with the Covenant and international standards, and that the principle of absolute prohibition is incorporated in domestic legislation and that no statute of limitation applies to cases of torture?
 - Describe the available mechanism by which people in detention may make complaints alleging torture and how that mechanism receives and investigates such complaints. How does Jordan ensure victims of torture or ill-treatment have access to a remedy?
 - Describe the jurisdiction of and process by which the military justice system investigates claims of torture. What procedures are in place to immediately suspend officers accused of torture or ill-treatment from duty while under investigation?
 - What steps do officials take to ensure victims of torture who come forward are protected against any further ill-treatment, intimidation, or reprisals as a consequence of their complaint?
 - What data collection methods does the State Party use to track the use of torture, remedial measures for perpetrators, and redress for victims?
 - How many reports of torture have authorities received over the reporting period? How many reports related to people charged with capital crimes and people under sentence of death? How many of these investigations resulted in findings?
 - What were the results of any investigation into the allegations of torture against Z.D.? Has his family received any restitution?
 - How does the State Party evaluate the effectiveness of its trainings with prosecutors, prison administrators, and prison staff regarding torture and ill-treatment?

⁴⁴ The Jordan Times, Evidence of torture’ indicates detainees were abused while in police custody — report, accessed Jun. 9, 2023, available at: <https://jordantimes.com/news/local/%E2%80%98evidence-torture%E2%80%99-indicates-detainees-were-abused-while-police-custody-%E2%80%94-report>.

⁴⁵ See also *Jordan 2022*, Amnesty International, <https://www.amnesty.org/en/location/middle-east-and-north-africa/jordan/report-jordan/>.

VI. Detention conditions do not comply with international standards.

49. The Committee previously recommended, in its 2017 Concluding Observations, that Jordan end its use of administrative courts and reduce the number of people held in detention in administrative detention, and also allow increased access for independent visits to all places of detention.⁴⁶
50. Prisons continue to face overcrowding, and people in detention face challenges in accessing the necessary care and services. The U.S. State Department reports that prisons across Jordan are at 170% capacity, with many lacking adequate medical resources, facilities, and staff.⁴⁷ Some non-governmental organizations report prison authorities are denying people in detention contact with visitors or family members. Additionally, many people in detention, especially foreign nationals, do not have access to adequate legal counsel.⁴⁸
51. Jordan's detention centers are overcrowded with limited resources. People in detention lack access to healthcare or medical facilities while facilities have low supplies.⁴⁹
52. Jordan claims it has implemented several measures to address prison overcrowding including transferring inmates to overflow facilities, enhancing correctional and rehabilitation center capacities, and implementing a general royal amnesty program.⁵⁰ Jordan states it has established protocols to ensure medical care for prisoners is both timely and accessible.⁵¹ According to the U.S. State Department, however, "most facilities are unable to conduct blood tests and had limited X-ray capabilities, forcing doctors to rely largely on self-reporting by patients for certain conditions."⁵²
53. Prison conditions, including physical facilities and access to healthcare, are generally substandard and inadequate. Members of the Adaleh Center have, over the years, visited prisons in Jordan, including Al-Juwayyidah prison in Amman, and prepared reports based on their visits. Organizations like Adaleh face many barriers and challenges in attempting to visit women under sentence of death.

⁴⁶ Human Rights Committee, *Concluding Observations on Jordan's Fifth Reporting Period*, UN Doc. CCPR/C/JOR/CO/5 (4 December 2017).

⁴⁷ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) < <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September> (last accessed 19 September 2024).

⁴⁸ U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023) < <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September> (last accessed 19 September 2024).

⁴⁹ U.S. Department of State, *2022 Country Reports on Human Rights Practices: Jordan*, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/jordan/> (last accessed 26 November 2024).

⁵⁰ Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019* (21 December 2021) CAT/C/JOR/4*, ¶ 101.

⁵¹ Committee Against Torture, *Fourth periodic report submitted by Jordan under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2019* (21 December 2021) CAT/C/JOR/4*, ¶ 104.

⁵² U.S. Department of State, *2023 Country Report on Human Rights Practices: Jordan* (2023), <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/jordan/#:~:text=Officials%20reported%20overcrowding%20at%20some,percent%20capacity%20as%20of%20September>. (last accessed 26 November 2024).

54. Inadequate detention conditions disproportionately affect women on death row. Women lack basic sexual and reproductive health care, medical and mental health care, access to female medical staff, and protection from gender-based violence.⁵³ For example, women receive a monthly stipend of 20 dinars (approximately \$28 USD), which is insufficient to cover the costs of essential menstrual and hygiene products and other necessary items.⁵⁴ Some of the women in prison have children and some may be breastfeeding. Women in detention report being too embarrassed to report sexual or reproductive health problems to male staff while “preventive screening for cervical or breast cancer is not routinely offered.”⁵⁵
55. Social stigma surrounding their criminal convictions results in women on death row rarely receiving visits from their families. Prison staff reportedly limit visits to 15–30 minutes. Limiting the opportunities of women on death row to have contact with the outside, including with their children, has devastating consequences for both these women and their families.⁵⁶ Indeed, according to the Cornell Center, prison authorities subject some women under sentence of death to solitary confinement.⁵⁷ Moreover, since executions resumed in 2014, a prison psychologist found that women on death row manifest increased frustration and depression and a “lack of attachment to life.”⁵⁸
56. Suggested questions relating to detention conditions:
- Under what circumstances are people under sentence of death subjected to solitary confinement?
 - What access do women in conflict with the law, including women under sentence of death, have to their minor children? What visitation rights to women on death row have?
 - What measures have authorities taken to alleviate overcrowding in detention facilities?
 - How do authorities audit the allocation of funds to prisons to ensure that those funds support the improvement of prison conditions?
 - What steps is the State Party taking to improve medical and health care in detention facilities?

⁵³ Written Communications from the World Coalition Against the Death Penalty to The Advocates for Human Rights (July 14, 2023); Jo Baker and Elna Sondergaard, DIGNITY Danish Institute, *Conditions for Women in Detention in Jordan: Needs, vulnerabilities and Good Practices*, available at: [publication-series-9.pdf](#) (dignity.dk) (last accessed 26 November 2024).

⁵⁴ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 22, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/> (last accessed 26 November 2024).

⁵⁵ Jo Baker and Elna Sondergaard, DIGNITY Danish Institute, *Conditions for Women in Detention in Jordan: Needs, vulnerabilities and Good Practices*, available at: [publication-series-9.pdf](#) (dignity.dk) (last accessed 26 November 2024).

⁵⁶ Written Communications from the World Coalition Against the Death Penalty to The Advocates for Human Rights (July 14, 2023).

⁵⁷ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), at 22, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>.

⁵⁸ Written Communications from the World Coalition Against the Death Penalty to The Advocates for Human Rights (July 14, 2023).

- What measures have authorities taken to ensure that detention conditions for women comply with the Bangkok Rules?

VII. Suggested recommendations for the Government of Jordan.

57. The coauthors suggest the following recommendations for the Government of Jordan:

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- Ensure detention conditions for women facing the death penalty comply with the Bangkok Rules as well as the Nelson Mandela Rules, particularly with respect to gender-specific healthcare and solitary confinement.
- Improve access to outside visitors for people under sentence of death, including access to family members and social workers from non-governmental organizations, and prioritizing longer visits with minor children.
- Ensure that sentencing authorities take into account gender-specific defenses and mitigation in capital cases, particularly when a woman kills a family member who has subjected her to prolonged gender-based violence.
- Commute current sentences of women sentenced to death for killing a family member if there is evidence that the woman experienced prolonged domestic violence.
- Collaborate with civil society organizations to ensure all judges, prosecutors, and defense counsel receive training on gender-based discrimination and violence, pathways to crime, and gender-sensitive mitigation.